

Patent

Docket No. 4216-4000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue of

Letters Patent 5,568,207

Richard **CHAO**

Serial No.: 09/182,862

Filed: October 21, 1998

For: AUXILIARY LENSES FOR EYEGLASSES

Examiner: H. Mai

Group Art Unit: 2873

SUBMISSION OF OFFER TO SURRENDER PATENT

Commissioner of Patents
Washington, D.C. 20231

Sir:

Attached herewith is an executed Offer to Surrender Patent by Asahi Kogaka Kogyo Kabushiki Kaisha (A.K.A. Asahi Optical Co., Ltd.), assignee in the above-identified U.S. Patent No. 5,568,207.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: March 29, 2001

By:



Michael S. Marcus

Registration No. 31,727
(202) 857-7887 Telephone
(202) 857-7929 Facsimile

CORRESPONDENCE ADDRESS:
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154

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09/182862-070401

Patent

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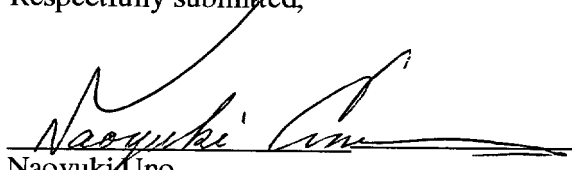
SIR:

I am empowered to sign this OFFER TO SURRENDER PATENT pursuant to 37 C.F.R. § 1.178 on behalf of the undersigned assignee, Asahi Kogaka Kogyo Kabushiki Kaisha (A.K.A. Asahi Optical Co., Ltd.), who is the assignee of the entire right, title, and interest of a one-half part of United States Patent No. 5,568,207 recorded on **May 24, 2000, Reel 010848, Frame 0278.**

The undersigned assignee offers to surrender United States Patent No. 5,568,207 for its reissue.

Respectfully submitted,

Date: March 27, 2001


Naoyuki Uno

Senior Managing Director
Asahi Kogaka Kogyo Kabushiki Kaisha
(A.K.A. Asahi Optical Co., Ltd.)

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**SUBMISSION OF SUPPLEMENTAL REISSUE
DECLARATION BY INVENTOR**

Commissioner of Patents
Washington, D.C. 20231

Sir:

Attached herewith is an executed Supplemental Reissue Declaration by Inventor, Richard Chao, for the above-identified reissue of U.S. Patent No. 5,568,207.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: March 29, 2001

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SUPPLEMENTAL REISSUE DECLARATION BY INVENTOR

SIR:

As a below named inventor, I hereby declare that:

- I. My residence, post office address and citizenship are stated below next to my name.
- II. I believe I am the original and first inventor of the subject matter which is described and claimed in U.S. Patent No. 5,568,207 ("the '207 patent") granted on October 22, 1996, and for which a reissue patent is sought.
- III. I have reviewed and understand the contents of the '207 patent, including the claims as filed in this reissue and specifically referred to in either this supplemental oath or declaration, or the oath or declaration filed on October 21, 1998.

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Supplemental Reissue Declaration
Serial No. 09/182,862

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- IV. I acknowledge the duty to disclose information known to me which is material to patentability as defined in 37 C.F.R. §§ 1.56 and 1.175(a)(7).
- V. All errors corrected by this reissue application up to the time of filing this supplemental oath or declaration under 37 C.F.R. §1.175 occurred without any deceptive intent on the part of the applicant.
- VI. I verily believe the '207 patent is wholly or inoperative by failing to provide a figure of an alternate embodiment of FIG. 7, labeled "FIG. 8" in which only "arm 21" extends downward towards projection 13, as expressly disclosed at column 3, lines 1-10,
- ...and the end portions of the arms 21 ... are slightly extended downward toward the projections 13 such that the arms 21...or the magnetic members 22 may hook on the primary spectacle frame 10 and such that the auxiliary spectacle frame 20 may further be stably supported and secured to the primary spectacle frame 10.
- VII. I verily believe the '207 patent is wholly or partly inoperative by failing to include the following description of FIG. 7, that describes the spacing between the magnets 14 and 22 which "spacing" is clearly depicted in original application FIG. 7.
- In one embodiment, as shown in FIG. 7, magnetic members 14 and 22 are not in contact with each other, magnetic members 14 and 22 are engaged with, but not supported on, each other. Instead, the arms 21 securing the magnetic member 22 is supported on an upper side portion of the primary spectacle frame 10. As shown in FIG. 7, the upper side portion can be an upper part of the side portion securing the projection 13.*
- VIII. I verily believe the '207 patent is wholly or partly inoperative by claiming less than I was entitled to claim, which error arose without deceptive intent. It was error, without deceptive intent, to recite in patent claim 1 "each having an arm extended for extending

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Supplemental Reissue Declaration
Serial No. 09/182,862

Docket No. 4216-4000

over and for engaging with said upper side portion" instead of "at least one arm for extending over said upper side portion."

IX. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

X. I hereby specify the following as the correspondence address to which all communications about this application are to be directed:

SEND CORRESPONDENCE TO: Michael S. Marcus
MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053

DIRECT TELEPHONE CALLS TO: Michael S. Marcus
202-857-7887

Full name of sole or first inventor: Richard CHAO

Inventor's signature: [Signature] Date: 3-23-2001

Residence: 6th Industrial Fifth Road, Tou Chiau Industrial Park, Chiayi 621, Taiwan

Citizenship: Taiwan

Post Office Address: No. 6th Industrial Fifth Rd., Tou Chiau Industrial Park, Chiayi 621, Taiwan

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202-857-7887

Full name of sole or first inventor: Richard CHAO

Inventor's signature: [Signature] Date: 3-23-2001

Residence: 6th Industrial Fifth Road, Tou Chiau Industrial Park, Chiayi 621, Taiwan

Citizenship: Taiwan

Post Office Address: No. 6th Industrial Fifth Rd., Tou Chiau Industrial Park, Chiayi 621, Taiwan

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